

Applicant Initiated Interview Request Form

Application No.: 10/581,715 First Named Applicant: Hye-Jin LEE
Examiner: MEHTA, HONG T Art Unit: 1794 Status of Application: Finally rejected

Tentative Participants:

(1) R.E. Bushnell (2) _____
(3) _____ (4) _____

Proposed Date of Interview: ASAP Proposed Time: _____ AM/PM

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Argument to be Presented:

See attachment.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/Robert E. Bushnell/

Applicant/Applicant's Representative Signature

Robert E. Bushnell

Typed/Printed Name of Applicant or Representative

27774

Registration Number, if applicable

Examiner/SPE Signature

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HYE-JIN LEE

Serial No.: 10/581,715

Examiner: HANRAHAN, JOSEPH M.J.

Filed: 28 June 2006

Art Unit: 1794

For: EGG THAT IS AGITATED WITH EDIBLE COMPOSITION, METHOD AND
DEVICE FOR MANUFACTURING IT

Attachment to Interview Request Form

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Along with the Interview Request form filed 26 March 2010 in the above-referenced application, Applicants here include points for discussion for the interview:

Folio: P58024
Date: 3/26/10
I.D.: REB/MK/aj

The Examiner states as follows in the Advisory Action:

The amendment to the claims does not place the application in condition of allowance because: the cited prior references teach known methods and apparatus for agitating raw eggs in the egg shell with the injection of edible compositions such as liquid flavoring and species as cited in the claims. Applicant argues that the liquid flavoring of Hongqi is different from the edible compositions of the present invention. Flavoring is an edible composition. Applicant has not defined "edible composition" as being limited to any particular material. Also, applicant appears to include "species" in the examples of edible material in the instant specification (page 20, lines 4-5).

Applicant argues that in Hongqi it is clear that cooking after injection is required. However, the instant claims do not have steps related to cooking the egg; therefore this argument is not considered to be commensurate with instant claims.

Hongqi does not disclose or suggest the presently claimed injection method or agitating step. Hongqi merely mentions an "injector" that is used to inject prepared liquid flavoring material into the egg. There is no evidence of record which shows that the injection method of Hongqi could be used to inject the edible compositions encompassed by the present claims.

The Examiner also states as follows in the Advisory Action:

Applicant argues that Hongqi does not teach the step of agitating the egg mixture after the edible composition is added. However, Hongqi teaches adding liquid flavoring material (considered edible material) and shaking the egg. Shaking is considered to be an agitation step. While Hongqi does not teach the use of an agitator, the secondary reference relied upon Hansen teaches means for agitating egg while in the egg shell. Hansen is relied upon for its disclosure of known means for agitating egg contents within the shell. Additionally, it is noted that agitation of an egg can be performed by hand and it is known to agitate mixtures for uniform dispersement of the components therein.

Applicant argues that Hongqi does not teach an "injector". Herbrank is relied upon for its disclosure of means for injecting into an egg. As Herbrank clearly teaches an effective means for injecting material into an egg, it would have been obvious to use this known method for injecting the material of Hongqi using a similar method. Applicant also argues that it is not clear that the injector of Hongqi would be able to inject the edible materials of the present claims. The injector of Hongqi is shown to be capable of injecting at least flavorings and spices which are considered edible materials. Furthermore, the injector of Herbrank is relied upon in the combination of references. Not the injector of Hongqi.

The references as combined teach treatment of egg and additional materials all while in the egg shell. Hongqi teaches insertion of edible material, and agitation thereof. Hebrank teaches a known means for injecting material into an egg. And Hansen teaches a known method and apparatus for agitating materials within the egg. The teachings of the references are all analogous and related for the general purpose of treating egg materials while in the shell and are considered combinable for at least the reasons set forth above.

Hebrank discloses a method of injecting a dye, or some type of liquid pharmaceutical or bio-pharmaceutical composition into eggs with a needle and then detecting with a detector, information from inside the egg. See Hebrank, col. 4, lines 13-18. Hebrank thus does not remedy the basic deficiencies of Hongqi discussed above.

Hansen is directed to a method of scrambling an egg while the egg is still within the shell. The method includes breaking the egg with a shank and then inserting blades into the egg and thoroughly mixing the egg. The egg is then removed from the device and broken open making available the scrambled contents of the egg. The method of Hansen thus uses a large shank and importantly does not involve the scrambled contents of the egg remaining inside the egg for later use as in the present invention. There is no evidence of record that the agitation method of Hansen would work to agitate contents of an egg in a manner that would allow the egg to be re-sealed and used at a later time. Thus, there is no reason or motivation for one of ordinary skill in the art to combine the teachings of Hansen with Hongqi.

Respectfully submitted,

/Robert E. Bushnell/

Robert E. Bushnell,

Attorney for the Applicants

Registration No.: 27,774

Customer No. 08439

2029 "K" Street N.W., Suite 600

Washington, D.C. 20006-1004

(202) 408-9040

Folio: P58024

Date: 3/26/10

I.D.: REB/MK